

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

United States Courts
Southern District of Texas
FILED

April 15, 2025

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

v.

CYNTHIA ANN HERRERA

§
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§
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§

Criminal No. **M-25-750**

SEALED INDICTMENT

THE GRAND JURY CHARGES:

At all times material to this Indictment:

THE MEDICAID PROGRAM

1. The Texas Medicaid Assistance Program (“Medicaid”) is a state program jointly funded by the State of Texas and the federal government that provides medical and related services to individuals, families with dependent children, and aged, blind, or disabled persons whose income and other financial and economic resources are insufficient to allow them to meet the cost of necessary medical services.

2. Medicaid is a health care benefit program as defined by Title 18, United States Code, Section 24(b).

THE DEFENDANT

3. CYNTHIA ANN HERRERA (“HERRERA”) is a resident of Hidalgo County, Texas.

4. On or around September 8, 2003, the Texas State Board of Pharmacy issued a pharmacist license, number 41939, to HERRERA.

5. HERRERA is the owner and sole employee of Well-Care Rx & DME, LLC, located in Alton, Texas.

6. Well-Care Rx & DME, LLC received its initial license from the Texas Pharmacy Board on or about November 20, 2013.

**Counts One Through Six
HEALTH CARE FRAUD
(18 U.S.C. § 1347)**

The Scheme to Defraud

7. Beginning in or about 2018, and continuing through in or about September 2024, the exact dates being unknown to the Grand Jury, in the Southern District of Texas and elsewhere, defendant,

CYNTHIA ANN HERRERA

in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program affecting interstate commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicaid, and to obtain by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of Medicaid.

Execution of the Scheme

8. In execution of the scheme, HERRERA submitted, or caused to be submitted, claims to Medicaid for prescriptions that were not authorized by a physician, not requested or authorized by the beneficiary, not medically necessary, and/or not delivered to the beneficiary.

9. In total, HERRERA submitted, or caused to be submitted, at least \$2 Million in fraudulent claims to Medicaid.

10. As specific instances of fraudulent claims, on or about the dates listed below, in the Southern District of Texas, and elsewhere, for the purpose of executing the scheme and artifice to defraud, and to aid and abet the same, the defendant caused the transmission of the following claims to Medicaid, which were for the patient, prescription number, approximate fill dates, and approximate amounts listed below.

<u>Count</u>	<u>Patient Initials</u>	<u>Prescription Number</u>	<u>Fill Date</u>	<u>Billed Amount</u>
1	J.V.	664120	6/9/2022	\$1,353.92
2	M.T	663942	6/3/2022	\$1,353.92
3	M.S.	652240	5/13/2021	\$618.76
4	J.S.	652714	6/22/2021	\$1,232.42
5	D.F.	656403	10/28/2021	\$1,232.42
6	L.E.V.	655211	9/10/2021	\$1,232.42

All in violation of Title 18, United States Code, Section 1347 and 2.

Counts Seven Through Ten
AGGRAVATED IDENTITY THEFT
(18 U.S.C. § 1028A and 2)

11. On or about the dates listed below, the exact dates being unknown, in the Southern District of Texas, and elsewhere, defendant

CYNTHIA ANN HERRERA

did knowingly transfer, possess and use, without lawful authority, a means of identification of another person, to-wit Doctor 1's National Provider Identification number, Drug Enforcement

administration number, and Texas Medical License number, during and in relation to a violation of Title 18, United States Code, Section 1347 (Health Care Fraud)—to wit, Medicaid was billed for prescriptions not authorized by the prescribing physician.

<u>Count</u>	<u>Patient Initials</u>	<u>Prescription Number</u>	<u>Date</u>
7	J.V.	664120	6/9/2022
8	M.T.	663942	6/3/2022
9	D.F.	656403	10/28/2021
10	L.E.V.	655211	9/10/2021

All in violation of Title 18, United States Code, Sections 1028A and 2.

Counts Eleven and Twelve
AGGRAVATED IDENTITY THEFT
(18 U.S.C. § 1028A and 2)

12. On or about the dates listed below, the exact dates being unknown, in the Southern District of Texas, and elsewhere, defendant

CYNTHIA ANN HERRERA

did knowingly transfer, possess and use, without lawful authority, a means of identification of another person, to-wit Doctor 2's National Provider Identification number, Drug Enforcement administration number, and Texas Medical License number, during and in relation to a violation of Title 18, United States Code, Section 1347 (Health Care Fraud)—to wit, Medicaid was billed for prescriptions not authorized by the prescribing physician.

<u>Count</u>	<u>Patient Initials</u>	<u>Prescription Number</u>	<u>Date</u>
11	M.S.	652240	5/13/2021
12	J.S.	652714	6/22/2021

All in violation of Title 18, United States Code, Sections 1028A and 2.

NOTICE OF FORFEITURE
(18 U.S.C. § 982(a)(7))

Pursuant to Title 18, United States Code, Section 982(a)(7), the United States gives notice to defendant CYNTHIA ANN HERRERA that upon defendant's respective conviction as charged in this Indictment, the United States intends to seek forfeiture of all property, real or personal, which constitutes or is derived from proceeds traceable to such offenses.

MONEY JUDGMENT AND SUBSTITUTE ASSETS

If any of the property described above, as a result of any act or omission of the defendant[s]:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c). All pursuant to 18 U.S.C. § 982(a)(7) and 28 U.S.C. § 2461(c).


A TRUE BILL

FOREPERSON

NICHOLAS J. GANJEI
UNITED STATES ATTORNEY



ASSISTANT UNITED STATES ATTORNEY



ASSISTANT UNITED STATES ATTORNEY